IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6386 of 2007()

CRMP.9068/2007 of J.M.F.C.-III, PUNALUR
CRIME NO.364/07 OF PATHANAPURAM POLICE STATION

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PETITIONER/ACCUSED

B.SASIDHARAN, AGED 50 YEARS,
MANOJ SADANAM, KARAVOOR, PATHANAPURAM TALUK,
KOLLAM DISTRICT.
(WRONGLY STATED IN FIR AS SASI & MANOJ BHAVAN).

BY ADV. SRI.R.SURAJ KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PATHANAPURAM.

BY SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6386 of 2007

Dated this the 24th day of October, 2007

ORDER

Application for regular bail. The petitioner – a person aged about 50 years, faces allegations in a crime registered under Sec.376 read with Sec.511 of the IPC. The crux of the allegations against the petitioner is that he allegedly attempted to commit rape on the child of a neighbour aged about 6 ½ years – a student of the II Standard. The petitioner is a person aged about 50 years having children of marriageable age. The child used to be left in the house of the petitioner when its parents used to go out for particular needs. It is alleged that the child was subjected to indecent assault. The same is described as an attempt to commit rape. The petitioner was arrested on 4/10/07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the allegations, even if accepted in toto, cannot be held to

amount to any offence of attempt to commit rape. At worst, only an allegation of indecent assault will be justified. The allegations are false and are being raised with the sole intention of vexing and harassing the petitioner. In these circumstances, the petitioner, who has remained in custody from 4/10/07, may now be enlarged on bail, submits the learned counsel for the petitioner.

3. Notice was given to the learned Public Prosecutor. This application is not opposed by the learned Public Prosecutor. The allegations reveal great depravity of mind on the part of the petitioner. However, I am satisfied, in the facts and circumstances of this case, that the petitioner, who remains in custody from 4/10/07, can be enlarged on bail subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) During the said period of two months, the petitioner shall not enter the Sessions Division of Kollam without the prior permission of the learned Magistrate except for the purpose of complying with Condition No.(ii) above.

(R. BASANT, JUDGE)

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